

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF PETITION OF)
WABASH VALLEY POWER ASSOCIATION,)
INC. FOR AUTHORITY TO EXECUTE)
NOTES OF INDEBTEDNESS UP TO \$68.6)
MILLION PAYABLE AT PERIODS OF MORE)
THAN TWELVE MONTHS FOR THE)
PURPOSE OF FUNDING THE ACQUISITION)
OF INTERESTS IN COAL GASIFICATION)
PROPERTY AND ASSOCIATED)
CONSTRUCTION, START UP AND)
RELATED COSTS, AND TO ENCUMBER)
ITS PROPERTY TO SECURE THE)
INDEBTEDNESS)

CAUSE NO. 42762

FILED

APR 15 2005

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On April 11, 2005, Counsel for the Indiana Office of Utility Consumer Counselor ("OUCC") and Petitioner Wabash Valley Power Association, Inc. filed a *Joint Motion for Extension of Time* ("Joint Motion") stating that the parties have been engaged in settlement discussions and that the likelihood of amicable resolution would be increased if the OUCC were granted additional time in which to prefile its direct testimony. The Parties requested that the OUCC's deadline be extended to April 14, 2005.

On April 14, 2005, the OUCC filed a *Motion for Extension of Time* ("Motion"), requesting one (1) additional day in which to prefile its testimony on April 15, 2005. The OUCC was originally required to prefile its case-in-chief on April 4, 2005, pursuant to the terms of the January 19, 2005, Prehearing Conference Order in this Cause.

170 IAC 1-1.1-18(i) governs written requests for extensions of time in which to prefile testimony. While the rule states that "The motion should be filed prior to the time set for the filing of the testimony . . .", it also provides that the Presiding Officer, for good cause shown, may fix the extension of time in which to prefile testimony in order to avoid undue delay and provide a reasonable opportunity for all parties to properly prepare their cases.

The Joint Motion was filed seven (7) days *after* the OUCC's April 4, 2005, prefiling deadline had passed and thereby violates the provisions of 170 IAC 1-1.1-18(i). We caution the parties to be

attentive to all deadlines in the future and remind them that deadlines established by Commission Order may not be modified without timely request for prior Commission approval. Nonetheless, the Presiding Officers, being duly advised in the premises, now find that the Joint Motion and the Motion should be granted. Accordingly, the OUCC shall file its direct testimony in this Cause on or before April 15, 2005. The Evidentiary Hearing in this cause remains scheduled for May 12, 2005, at 9:30 a.m. EST in Room E306, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana.

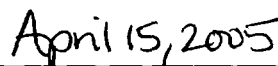
IT IS SO ORDERED.



David W. Hadley, Commissioner



Andrea L. Brandes, Administrative Law Judge



Date